

**Agricultural Advisory Committee
November 19, 2019 Meeting Minutes**

Attendees: Peter Driscoll, Ben Allnutt, Michele Cropp, Debra Tropp, Eleanor Leak, Ben Butler, Doug Lechluder, Aliza Silver, Patrick Jamison, Lori Larson, Linda Lewis, Jane Evans

Staff: Jeremy Criss

Agenda items are in bold and minutes are not bolded.

1. **Call the Meeting to Order and Introductions: 7:10 pm**
2. **Approval of the AAC meeting minutes from October 15, 2019.** (Driscoll/Lewis)
3. **Update on the Farm Alcohol Production Facilities-FAPF-The DPS and OAG are working on another proposed Farm Brewery. They have an existing tap room in the Gaithersburg, and they have a contract to purchase a farm in the Agricultural Reserve for new production facility and future tap room.**

OAG had a meeting with DPS for pre-design consultation to help a potential buyer, but the process is taking a lot of time. It is difficult to approve a concept plan and business plan when the applicant has not yet purchased property or started the operation.

Members of the AAC have voiced concern about OAG's resources and Jeremy's work load and whether he will need additional resources to complete his other work, if he is spending so much time working with DPS on these Farm Alcohol Production applications.

4. **The Agritourism Study Advisory Committee-ASAC met on Tuesday October 29, 2019. The Study and Final report will be presented to the Montgomery County Planning Board on December 19, 2019. The County Council will receive the Study and Report after the holidays. We are not sure what the County Council will do on the Study and Final report. A Zoning Text Amendment is recommended to improve the definition of Agricultural Education and Tourism. Jeremy met with members of the League of Women Voters Agriculture Committee to discuss agritourism, including their concerns.**

It is unclear what the County Council's appetite will be after the holidays to look at this or if the budget will take priority. The ZTA would reword the definition of ag tourism in the Code. The current definition talks about having outdoor experiences and learning about the history of farming and understanding good quality fresh food. This is a general description. After the Agritourism definition it has a clause that says, "includes the following..." so the committee felt that the wording should say "includes but is not limited to..."

The County Executive requested the OAG to implement farm alcohol production with the DPS. The Study recommends that Agritourism venues should be handled the same way as farm alcohol production applications. The report

includes a recommendation that OAG should receive additional/sufficient resources to accomplish this objective.

- 5. The Sugarland Broadband Pilot Phase II along Sugarland Road is being installed. The system will be activated this month.**

<https://montgomerycountymd.gov/cable/Sugarland/sugarland-comcast.html>

The only thing left to do is turn on phase II. The County Government has made good progress with Barbara Weitzer' neighbor. One of the spouses is deployed abroad and so the County is trying to offer that the easement documents get signed and notarized using electronic means.

- 6. The University of Maryland Extension made a job offer regarding the David Gordon's 4-H Livestock position. The new employee will start in December.**

A job offer was made to Santana Mays. Her family is from Baltimore and Carroll counties, involved in dairy. She will be starting in mid-December. She will be replacing David Gordon as a livestock specialist at Extension.

- 7. Elrich Administration has proposed a Comprehensive Tree Trimming effort to bring the farming rustic road users and the rustic roads supporters together to agree on acceptable tree trimming. *Please see the attached messages from Dale Tibbitts.***

Jeremy is cautiously optimistic about developing a comprehensive tree trimming system in the Ag Reserve. DOT already knows what to trim and how to trim, and this system will integrate a lot of community input that may influence how DOT does their job. In the Up County areas, DOT usually trims trees as far back as they need to in order to accommodate farm equipment. There may be unintended consequences of integrating community input. At this time, however, the rustic roads in the Ag Reserve have a hard time accommodating trucks, fire trucks, and school buses.

- 8. Proposed State Legislation-State Bill Hearings December 2 and 9, 2019 COB 3rd Floor**

The first two bills below will be addressed on Dec. 2, and the second two will be addressed on Dec. 9.

<http://www.montgomerycountydelegation.com/2020/documents/MC6-20.pdf> - **proposal to add rifles as acceptable firearms in Montgomery County while hunting with a deer management permit.**

Currently, farmers or hunters with deer management permits can only use the weapon of the season. This bill would allow rifles, but only in the Ag Reserve, not down county. All hunting regulations are at MD DNR. If this gets passed in the County Council, then it will get sent to the General Assembly, which would then charge DNR to make these changes.

AAC supports this bill. (Cropp/Lewis)

<http://www.montgomerycountydelegation.com/2020/documents/MC7-20stored10-29-19.pdf> - proposal to change the County ag transfer tax law, would direct the collections to be used for ag preservation and programs that support agriculture.

OAG has a number of programs with this designation already. At this time the STATE transfer tax must be used for ag easements. But the county tax was created before the state tax, so it was not directed to farmland preservation. The county ag transfer tax income currently goes into the general fund.

AAC supportive the intent of the bill, but not as written. (Cropp/Larson)

http://www.montgomerycountydelegation.com/2020/documents/MC16-20_000.pdf - proposed annual fee on country clubs and golf courses, that fee would go into the ag preservation fund.

This bill would impose an annual \$100,000 fee on the owners of country clubs and golf courses where their properties are assessed at more than \$500,000/acre. This would include Kenwood, Columbia, Burning Tree, Avenel, Congressional, Chevy Chase, Woodmont. The money would be for open space and ag preservation.

AAC is not taking a position on this bill. Driscoll/Allnutt)

<http://www.montgomerycountydelegation.com/2020/documents/MC26-20.pdf> - Adding Montgomery County to the 50 and under club for ag tourism venue capacity.

This bill is a technical change to allow farm alcohol production tasting rooms to not have to get a commercial building permit for 50 or fewer people.

AAC supports this bill. (Larson/Cropp)

<http://www.montgomerycountydelegation.com/2020/documents/MC9-20stored10-30-19.pdf> - this bill could affect the number of hours that Farm Alcohol Production Facilities are allowed to operate.

This bill could limit the number of hours that farm alcohol production operations could be open in accordance with the County Code. Currently, the number of hours is regulated by the Comptroller's office; they can't be open past 8:30 PM. This bill is supposed to align the hours of operation to be consistent with the State and County requirements.

AAC is not taking a position. (Allnutt/Lewis)

These are just the ones currently listed on the Montgomery County Delegation website, there could always be more proposed bills.

<http://www.montgomerycountydelegation.com/>

9. **Bill 34-19 Taxation-Development Impact Taxes-Affordable Housing Impact Fairness. The Public Hearing is scheduled for December 3, 2019. *The Office of Agriculture recommends the agricultural community oppose this bill on the merits of how affordable and workforce housing policies have deemphasized the need and demand for both TDRs for receiving area projects and demand for Building Lot Termination-BLTs.***

[https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=263219749 Bill 34-19 Introduction 20191015.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=263219749%20Bill%2034-19%20Introduction%2020191015.pdf)

Ben Butler raised this issue at an event that OAG had at Butler's Orchard. The bill will impose an excise tax when a property owner tears down a smaller house and builds a bigger house in its place. Evan Glass is the sponsor of the bill. He feels that bigger houses being built in place of smaller houses is shooting affordable housing in the foot, since the property owner wouldn't be paying impact fees for the additional people who are presumably moving in to the larger house. You would have to pay the excise tax imposed by the bill for the additional square footage above the size of the existing structure. Many of the homes in the Ag Reserve were built in the beginning of the 20th century and are not energy efficient, and the feeling of the AAC is that the agricultural community shouldn't have to pay the excise tax to promote affordable housing. We still do not have enough demand for TDRs and BLTs due to the demand for affordable housing that does not require the use of either TDRs or BLTs.

AAC will oppose the bill. (Cropp/Lewis)

AAC will write a letter opposing this bill to send to the Council in time for their December hearing. (Silver/Butler)

10. **ZTA 19-07 Telecommunications Towers-Limited Land Use. The Public Hearing is scheduled for November 19, 2019. *Please see the attached messages between Hans Riemer's staff and Jeremy Criss.***

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/zta/2019/ZTA%2019-07.pdf>

Hans Riemer asked AAC to look at this ZTA. It will help get the county prepared for the 5G network that will improve cell phone reception and high-speed broadband. Currently, towers are difficult to get approved, as they require conditional use of approval, which is very costly and takes time and isn't always successful. The ZTA will allow some towers to be permitted as a limited use. They aren't eliminating conditional, just added "L/C" so that if this passed, they will be allowed based on limited use *or* conditional use depending on the height of the tower and the type of zone.

AAC wants to consider this and solicit feedback from the community. Aliza asked about the open space community's position which may be opposed to the ZTA. Ben Allnutt is concerned about the tower that is on his property which makes whirring noises at all hours. There is confusion on AAC as to whether this is a tower or a box/antenna (what they would look like). Lori Larson would like to

support because it is difficult to get cell service and run a business in the Ag Reserve.

AAC will not take a position on the ZTA at this time. We will wait until the public hearing and Jeremy will send us more information so that we can make an informed decision.

11. Proposal to allow Community Solar in the Agricultural Reserve- *Please see the attached messages between Hans Riemer' staff and Jeremy Criss.*

ZTA 18-01 passed last year, allowing accessory solar in the AR zone where you can only generate 120% of the onsite energy consumption. However, now there are people who want to revisit this because of climate change concerns. Several communities in the county have many different recommendations as to how community solar can be placed in the Ag Reserve. Hans Riemer's staff wants to dedicate a percentage of Agricultural Reserve acres. The County Executive and the Director of DEP have a much larger amount of areas they are proposing for county-wide application of community solar.

Jeremy raised that you can't put community solar, which is a commercial use, on land with public agricultural easements. We shouldn't be putting it on Class I, II, or III USDA soils capability classifications. You can't put it on forest cover either. It would need to be on open farm ground that is not prime or productive soil. The Ag Reserve is 93,000 acres, 24,000 of which is made of Class IV, V, VI, and VII non-productive soils. OAG is currently working with GIS to get a map of the non-productive lands.

Jane and Ben received packages from Energy companies promoting Solar panels on their farms. Jeremy said that he has heard similar statements from other farmers as the solar industry is looking for future opportunities in the event the County Code is revised to allow community solar in the AR zone.

12. Farmer Round Table with US Senator Ben Cardin-Friday December 6, 2019 at 10:00 am. *Please see the attached flyer.*

13. The Agricultural agencies have scheduled a Legislative Luncheon on Thursday December 12, 2019 at Seneca Ayr Farm. *See attached flyer.*

14. Update on the County Pesticide Law and Update on Round Up-*Please see attached messages from Mike Scheffel and Aliza Silver.*

15. Additional Business

- a.** The county is applying to state and federal assistance to expand broadband. The surveys are to determine what the potential business is for providers so they can see the number of people interested in signing up.
- b.** DNR rural legacy and conservation program: Montgomery County will be getting a \$2.7 million grant, for the first time since 2007. There are three properties lined

up for the money. This is very exciting! So far, the county has gotten \$19.3 million since 1997 when the Rural Legacy program was started.

- c. We will have our holiday food spread at our January meeting.

16. **Adjournment** (Driscoll/Allnutt)